

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF UTAH, NORTHERN DIVISION

UNITED STATES OF AMERICA, )  
 )  
Plaintiff, )  
 )  
vs. )  
 )  
NATHAN CLARK WARD, ) Case No: 1:17-CR-060  
 )  
Defendant, )  
 )  
\_\_\_\_\_ )  
 )  
 )

BEFORE THE HONORABLE DEE BENSON

July 20, 2018

SENTENCING HEARING

Reported by:  
KELLY BROWN HICKEN, RPR, RMR  
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APPEARANCES OF COUNSEL

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SALT LAKE CITY, UTAH 84111

1 SALT LAKE CITY UTAH, FRIDAY, JULY 20, 2018

2 \* \* \* \* \*

3 THE COURT: Good afternoon. We'll go ahead in the  
4 United States of America vs. Nathan Clark Ward. The case  
14:31:57 5 number is 17-CR-60. And the defendant is present. He's  
6 represented by Mr. Edward Brass. The United States is  
7 represented here today by Mr. Nathan Lyon. We're here for  
8 sentencing in this case.

9 Mr. Brass, could I, please, first hear from you?

14:32:20 10 MR. BRASS: Your Honor, I have two people who would  
11 like to speak to you that are family members that would take  
12 less than five minutes, and I'd ask you to listen to them  
13 first.

14 THE COURT: Okay. Sure.

14:32:32 15 MR. BRASS: The first one would be Barbara Ward.

16 THE COURT: Barbara Ward. Okay.

17 MR. BRASS: Excuse me. I've got it backwards.  
18 Debra.

19 THE COURT: Debra Ward? And is this the  
14:32:39 20 defendant's mother? I'm sorry.

21 MR. BRASS: The person that stood up was his  
22 mother. You're absolutely right.

23 THE COURT: This is his sister. Okay. Yes.

24 Please, if you would just say your name, and then I'd be happy  
14:32:49 25 to hear anything you would want to tell me.

1 MS. DEBRA WARD: My name is Debra Ward. I'm  
2 Nathan's sister-in-law. I've known Nathan since he was seven  
3 years old. Today we will hear about horrible acts Nathan is  
4 responsible for with tragic consequences for many. Our prayer  
14:33:14 5 and hope are for healing for those who suffer. We do not  
6 excuse or condone any abuse or wrongdoing by Nathan. I have  
7 chosen to speak today to share why I believe in Nathan's  
8 ability to eliminate these destructive behaviors in his life.

9 There are three powerful reasons I have this hope.

14:33:37 10 First are two characteristics Nathan has demonstrated  
11 throughout his life. They are determination and resilience.  
12 Before high school Nathan worked long, hard hours with his  
13 father laying carpet. When money was tight in high school  
14 Nathan started his own business cleaning upholstery. He  
14:34:01 15 worked and paid his way through undergraduate college even as  
16 he provided for his growing family. He was a successful  
17 hardworking student and was accepted into medical school.

18 Nathan joined the Air Force and served honorably  
19 for 19 years reaching the rank of Lieutenant Colonel. In the  
14:34:18 20 second area of his medical residency his first wife abandoned  
21 him leaving him with four children ages two to eight. With  
22 help at times from his parents he was able to complete his  
23 medical training, an OBGYN specialty, and care and raise for  
24 his four children for 10 years as a single father. He was an  
14:34:40 25 outstanding OBGYN who was caring and beloved by his patients

1 including my own daughter.

2 Second and perhaps the most important is Nathan's  
3 own strong desire to change. I read Nathan's letters during  
4 the past year and have witnessed his steps down the path of  
14:34:58 5 rehabilitation. In addition to his own willingness and  
6 fortitude to do the hard work required to change his -- and to  
7 change and his innate determination and resilience, Nathan has  
8 a large supportive family including parents, children,  
9 siblings, nieces and nephews.

14:35:20 10 Nathan is loved by his family, and we are willing  
11 and committed to stay with Nathan and see him through this  
12 difficult journey of change and recovery. Thank you, Your  
13 Honor.

14 THE COURT: Thank you.

14:35:32 15 And, Mr. Brass, who's next?

16 MR. BRASS: Now his mother Barbara.

17 THE COURT: Okay.

18 Mrs. Nelson -- or Mrs. Ward, I'm sorry.

19 MR. BRASS: It is.

14:35:47 20 THE COURT: Please come forward. And if you'd give  
21 us your name, and I'd be happy to hear anything you would like  
22 to say.

23 MS. BARBARA WARD: Yes. I'm Barbara Ward. Your  
24 Honor, I'm Nathan's mother. He did not ask me to speak. I  
14:36:04 25 chose to speak on my own this morning.

1 I feel such sorry for the pain that his actions  
2 have caused. I have prayed for everyone involved that they  
3 will be healed and comforted. We cannot go back and change  
4 the past, but I am a woman of faith and I speak to that faith.  
14:36:29 5 I know that through the atonement of Christ that repentance is  
6 a reality and change is possible.

7 I witnessed a change in Nathan over these months,  
8 and I love our son and our grandchildren. And I know it's  
9 right and necessary for him to serve the sentence of the  
14:36:56 10 Court. I would just ask that justice be combined with mercy  
11 and that Nathan in his later life be given time to spend with  
12 his children and grandchildren. Thank you.

13 THE COURT: Thank you very much, Mrs. Ward.

14 MR. BRASS: Judge, I filed one objection with  
14:37:28 15 respect to the presentence report. And Ms. Hirata was kind  
16 enough to point out while it's correct on its face that it's a  
17 two-level difference instead of four because there's two  
18 levels between 12 and 16. So that would be the only  
19 adjustment with respect to the presentence report.

14:37:46 20 THE COURT: And I think she's at least adjusted the  
21 one I have in my hand.

22 MR. BRASS: Great. You know, I don't have much to  
23 add to what already has been said and what's been said in  
24 writing. Dr. Ward is a person who's a good person who's done  
14:38:05 25 many good things for many good people, and he's a person who's

1 also done terribly wrong to the young woman who is the subject  
2 of this action, and he knows it. I would hope that the good  
3 that he's done in his life balances out the evil to this  
4 extent, that 15 years is an adequate time to serve in a  
14:38:25 5 federal prison, the mandatory minimum sentence in this case as  
6 opposed to the guideline sentence. He will be almost 72 years  
7 old when he's released under those circumstances. And it's  
8 going to be supervised release after that and possibly for a  
9 term for the rest of his life.

14:38:43 10 He's also facing a state charge that's going to be  
11 resolved on August 2nd that will clearly to some degree  
12 complicate that situation, as well. I mean, that will be  
13 something he will have to deal with upon his release.

14 So I would urge you to consider giving him the  
14:39:00 15 minimum mandatory. And when we talk about minimum being  
16 15 years for a person who's 56 years old now, that's an  
17 awfully long time. The word minimum doesn't really do it  
18 justice.

19 THE COURT: All right. Thank you, Mr. Brass.

14:39:15 20 Mr. Lyon?

21 MR. LYON: Your Honor, Kambria Ward is present, and  
22 she as the mother of the victim and former spouse of the  
23 defendant. She would like to address the Court after which I  
24 would like to address the Court.

14:39:30 25 THE COURT: All right.

1 Ms. Ward, come forward, please, and I'd be happy to  
2 hear whatever you have to say.

3 MS. Kambria WARD: I am Kambria Ward. And I've  
4 written this addressed to Nathan. Is that okay if I -- I'll  
14:40:02 5 speak to you, but just know that the words are for him.

6 THE COURT: Okay.

7 MS. Kambria WARD: I was faithful in every way to  
8 you. You deceived me, and I am devastated. I'm ashamed. You  
9 used me into your facade to live a sick deviant life. The  
14:40:27 10 hurt, anger and trauma that you have caused cannot be  
11 measured. It penetrates so deep into my soul at times I'm  
12 paralyzed. You've not only hurt me but my family, your family  
13 and a community who trusted you. You have broken me and taken  
14 what cannot ever be given back. You've robbed my baby of her  
14:40:51 15 innocence and virtue and left me in a world upside down. Many  
16 nights I scream out wishing you were there to see what you've  
17 done. I will be scarred forever.

18 You took what I wanted most in this life, a husband  
19 and a family, and destroyed it. You have left me without a  
14:41:17 20 husband and our children fatherless. You have taken what is  
21 most precious from my daughter and published your bastardly  
22 deeds to other equally sick people.

23 There is no one to blame but yourself. You had it  
24 all. You had a wife who loved you, a family and a great  
14:41:38 25 profession. You gave it all up. Yes, you chose this. You



1       traded your family and freedom for prison walls and shackles.  
2       A husband doesn't do what you've done to me. Fathers don't do  
3       what you've done to our children, and doctors don't do what  
4       you've done to your patients.

14:41:58 5               For you to be able to come home every day as if it  
6       was a normal day at the office is repulsive. You hid behind a  
7       career in which you took an oath to protect and help others,  
8       and you used that trust and power to hurt and abuse. You are  
9       not only a liar but a filthy, disgusting man who created a  
14:42:21 10       false world to cover up your true deviancy.

11               I was locking doors to protect us from intruders  
12       when you were the one I should have been locking out. It  
13       allowed you to mastermind your devil's playground. And you  
14       continued to deceive me and hurt me. I trusted you.

14:42:53 15               After learning from the authorities about your true  
16       debauchery they have been the ones that have now protected me  
17       and my children from you. I will always be grateful they  
18       didn't dismiss you because you were a supposed family man or a  
19       doctor. The damage you've already done will leave permanent  
14:43:10 20       scars on many hearts that will never heal. Your depravity  
21       will affect many generations. Many innocent people who would  
22       have been scarred by you in the future will now never know  
23       what would happened to them but for your arrest, thank  
24       goodness.

14:43:27 25               When you were arrested you chose to only protect

1       yourself. You tried to take everything from me. That was  
2       what I needed to learn and should have learned years ago. You  
3       were never there for me. It was only about yourself.

4               I now see through your constant efforts to keep  
14:43:46 5       your hero status with the children. It was the same with your  
6       patients. The accolades justified you and your wickedness,  
7       and you were able to feed your sick passions. This is no  
8       more. There was no fulfilling your sexual appetite.

9               You've taken the best years of my life and left me  
14:44:06 10       with shattered memories. Every birthday, every holiday, every  
11       anniversary will be stained by you. Your example to my  
12       children as a father is disgraceful. You deserve to be  
13       forgotten. You had your chance to make a difference in their  
14       lives. You let them down, and you became everything that I  
14:44:43 15       never wanted.

16               I am so angry at you. You've destroyed my  
17       relationship with your children and our grandchildren who I  
18       love. It will never be fixed. You did this.

19               I stand here today with no regrets. I know I have  
14:45:14 20       done everything possible for you, for your children and for  
21       our grandchildren. I raised them, I loved them and I nurtured  
22       them. I do not blame God, but I do blame you for robbing me  
23       of being a mother and a grandmother. This is a consequence  
24       for what you've done. You've conspired with the devil and  
14:45:40 25       agreed to go down with him further than I thought was humanly

1 possible.

2           You are where you need to be. You have proven your  
3 a danger to society. There is not a harsh enough sentence to  
4 pay the price for all you've destroyed. Life cannot be  
14:45:55 5 reversed. You should be punished at the highest level because  
6 of the position of trust you strategically placed yourself in  
7 to have power and dominance over others. You never deserve to  
8 walk free.

9           I will be there for every hearing concerning a  
14:46:12 10 possible release. I will speak with assurance the necessity  
11 to keep you locked up. You have proven you are a sexual  
12 predator of the worse kind and won't stop until you get what  
13 you want. A man with no conscience deserves the fair measures  
14 to protect the innocent.

14:46:35 15           I will spend the rest of my life fighting to  
16 survive and helping those within my reach who have been hurt  
17 by you. I hope some day to be an example to my children and  
18 others that it's possible to rise from tragedy and that  
19 terrible things happen to good people. But you will not  
14:47:02 20 define me. Just as you have made your choices that have  
21 imprisoned you I will make my choices to pick up the fragment  
22 of a life that was supposed to be so different. Thank you.

23           THE COURT: All right. Thank you.

24           Mr. Lyon?

14:47:23 25           MR. LYON: Your Honor, just as a matter of

1 housekeeping I'm assuming that the Court has received the  
2 victim statement by the victim KP?

3 THE COURT: Yes.

4 MR. LYON: And the Court's had a chance to consider  
14:47:35 5 that. She is here. She's been for all of the hearings but is  
6 choosing not to address the Court. But I just wanted to make  
7 sure the Court has had a chance to consider her statement to  
8 the Court.

9 I've spoken with Mr. Brass. There is a restitution  
14:47:52 10 request of \$2,866.80. It's my understanding that they have no  
11 objection to that restitution request.

12 Your Honor, finally, this is an exceptionally sad  
13 case. On the one hand we have an individual who by all  
14 accounts is a very well respected and loved doctor. I happen  
14:48:21 15 to have quite a few neighbors who indicated that he's their  
16 physician or was their physician, and they frankly adored him.  
17 But on the other hand, we have an individual who has  
18 absolutely disseminated lives. We've heard from Kambria  
19 who -- and we also have the statement from Kassidy who -- I  
14:48:53 20 mean, this is going to take years if they can ever be put back  
21 together. And there needs to be a punishment that is  
22 commensurate with the crime that he committed and the level of  
23 harm that he has committed.

24 We agree that the presentence report has been  
14:49:11 25 calculated correctly, and we just ask the Court to impose the

1 punishment that is appropriate. We'll submit it.

2 THE COURT: All right. Thanks, Mr. Lyon.

3 And, Mr. Brass, anything to respond with?

4 MR. BRASS: No. Do you want to hear from Dr. Ward?

14:49:30 5 THE COURT: Thank you.

6 Dr. Ward, if you'd like to say anything I'd be  
7 happy to hear it from you.

8 THE DEFENDANT: Thank you for allowing me to speak.

9 I would just like to take this moment to apologize to those  
14:49:55 10 who I've directly hurt. I know what I did was horribly wrong.  
11 And I know that I have caused significant pain, heartache and  
12 damage to them and also indirectly to other individuals in my  
13 family. I am truly sorry for the actions that I have done and  
14 take full responsibility for them and accept whatever judgment  
14:51:07 15 the Court desires to give me. Thank you.

16 THE COURT: All right. Thank you, Dr. Ward.

17 The guidelines appear to the Court to be correctly  
18 calculated. An offense level of 37, a criminal history  
19 category of one, yielding a recommended range of 210 months to  
14:51:28 20 262 months.

21 The Court sentences the defendant to a period to be  
22 placed in the custody of the Federal Bureau of Prisons for  
23 262 months. That will be followed by supervised release for  
24 the rest of his life. There will be special conditions as  
14:51:50 25 follows. One, the defendant will cooperate with the Probation

1 and Pretrial Services Computer and Internet Monitoring  
2 Program; two, the defendant will inform all parties who access  
3 approved computers or similar electronic devices that the  
4 devices are subject to search and monitoring; thirdly, the  
14:52:18 5 Court advises the defendant he must report any and all  
6 electronic communications service accounts used for user  
7 communications and so forth.

8 I order that the presentence report may be released  
9 to the state Sex Offender Registration Agency if required for  
14:52:38 10 purposes of sex offender registration.

11 The defendant while on supervised release will  
12 participate in a sex offender treatment program as deemed  
13 necessary by the probation office. Hopefully there will be  
14 similar treatment available in the prison system.

14:52:59 15 And the defendant will be restricted from contact  
16 with individuals who are under 18 years of age without adult  
17 supervision.

18 The defendant must abide by the following  
19 occupational restrictions. Any employment shall be approved  
14:53:13 20 in advance by the probation office. And the third party risks  
21 are identified, the probation office will be authorized to  
22 inform the employer of the defendant's supervision status.

23 While on supervised release, which is going to be a  
24 long time from now, the defendant will not view, access or  
14:53:35 25 possess sexually explicit materials in any format. You will

1 also, Dr. Ward, submit to periodic polygraph testing as  
2 directed by the probation office.

3 I've considered the defendant's financial resources  
4 and other assets. I'm not imposing a fine and find under the  
14:54:02 5 circumstances the defendant does not have the ability to pay  
6 one. I am holding restitution open for 30 days, and I'd like  
7 the US Attorney's Office and Mr. Brass to consult.

8 What I'd like to do, I know there is a \$500,000  
9 401k that apparently still belongs to the defendant. And I'd  
14:54:22 10 like to see if -- I'd like to order restitution to provide for  
11 full college for the injured stepdaughter, the one who is the  
12 primary victim. That was a promise made by the defendant that  
13 apparently isn't being kept. I don't know if that's within my  
14 authority. I'd like it looked into.

14:54:48 15 I am ordering restitution in the amount of  
16 \$2,596.80, which has been agreed to by the parties, in  
17 addition to the possibility of a requirement that the  
18 defendant invade that or use that \$500,000 401k to pay for the  
19 stepdaughter's college. And that would include fees, tuition,  
14:55:23 20 books and housing. I would like to have a figure about what  
21 therapy his ex-wife and his other children reasonably  
22 anticipate for the future. That wasn't expressed in any way  
23 to me. And I'd like to give the parties 30 days to at least  
24 look into it. That's what I'd like to do if it complies with  
14:55:51 25 the law.

1 I'm requiring the defendant for the five counts of  
2 conviction to pay -- excuse me. Pursuant to 18 USC 3014, I'm  
3 imposing a \$5,000 assessment under the Justice For Victims of  
4 Trafficking Act. For the one count of conviction I'm imposing  
14:56:16 5 on the defendant a payment of \$100 for a special assessment  
6 fee, which is statutorily required and is due immediately.

7 And, Dr. Ward, you have 14 days to take an appeal  
8 in this case if you feel it is illegal. I'm fully aware that  
9 this sentence is significantly longer than Mr. Francis'. I  
14:56:40 10 find many reasons to justify the longer sentence: your  
11 position in the community; I find you to be by far the, I  
12 don't know what the right word is, ring leader, I suppose is  
13 the closest I can get, especially looking at the dialogue  
14 between you and Mr. France along the way. His abuse of his  
14:57:05 15 step children was awful. Yours was at least five times that.

16 I don't know how a person does what you do to your  
17 stepdaughter. I don't. It's beyond my ability to comprehend.  
18 You did it over a period of years, many years from when she  
19 was 12 years old til she was either 14 or 15 or even 16. I  
14:57:32 20 don't know. And you told us here at the podium you take full  
21 responsibility for what you've done, and I don't believe that.  
22 I've never seen it. All you've agreed with with me was that  
23 you produced some child pornography, which I suspect is the  
24 story you'll tell to your cellmates in the prison, that you  
14:57:56 25 got 22 years from a federal judge because you took some photos



1 of your stepdaughter that she was willing to let you take, or  
2 something along those lines. I don't know what lie you'll  
3 tell. You might have to to survive in prison.

4 I don't know what falsehoods you've told your own  
14:58:19 5 family. It doesn't appear to me from everything I've read  
6 that you've come clean with them. I doubt your family has  
7 seen the entirety of the text messages, just the text messages  
8 from you and Mr. Francis and the ugliness of them, not to  
9 mention the horrid behavior that you engaged in with your  
14:58:43 10 stepdaughter. I hope she can sometime recover from this and  
11 hopefully lead a happy and healthy life, and the same with  
12 your ex-wife who has a lot of bitterness, which is  
13 understandable. If she can let go a little bit of it she  
14 probably will be better off.

14:59:06 15 It's a tragic case. I don't know where you went  
16 wrong, went so horribly wrong. This is one of the few  
17 cases -- I've been on the bench over 20 years. This is one of  
18 the few cases where I seriously considered a life sentence. I  
19 think you deserve one. You've given the people you abused  
14:59:29 20 life sentences, you, by your own being the person who decided  
21 what you could get away with with a minor child. And the  
22 distribution to others just makes it so much worse.

23 I don't know what the State's going to do. And I  
24 appreciate -- and you have one of the finest lawyers in the  
14:59:57 25 state. And I know Mr. Lyon has agreed that 15 years here

1 might have been appropriate. I only know what I can do. The  
2 high end of the guidelines is 262 months, and that's what I'm  
3 doing because I can. I don't know what you'll do when you get  
4 out of prison. If your past behavior is any indication of  
15:00:22 5 what you'll do if you're released, then I think society is  
6 better off not having you out. You appear to have a nice  
7 family. Your mother appears to be a perfectly beautiful lady.  
8 I don't know where it went haywire.

9 Did I mention he has 14 days to appeal?

15:00:43 10 MR. BRASS: You did. I would ask the Court to  
11 recommend Englewood, Colorado, as a facility.

12 THE COURT: I will. I recommend Englewood,  
13 Colorado, for family visitation.

14 MR. BRASS: Thank you.

15:00:54 15 MR. LYON: Your Honor, the government would move to  
16 dismiss Counts 2 and 3.

17 THE COURT: That motion is granted. Anything else  
18 from either side?

19 MR. LYON: Your Honor, I thought I heard you order  
15:01:03 20 restitution in the amount of \$2,596. That's actually -- we  
21 have an updated figure.

22 THE COURT: Okay. I read from whatever I had here.  
23 2,868.80. I don't know why we say where the recommendation is  
24 that he has no ability to pay a fine. He has some money it  
15:01:24 25 appears to me. I'd like you to look at what I asked you to

1 look. And we'll have that open for 30 days.

2 MR. LYON: Okay.

3 THE COURT: The Court's in recess.

4 (Whereupon, the court proceedings were concluded.)

15:01:38

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1 STATE OF UTAH )

2 ) ss.

3 COUNTY OF SALT LAKE )

4 I, KELLY BROWN HICKEN, do hereby certify that I am  
5 a certified court reporter for the State of Utah;

6 That as such reporter, I attended the hearing of  
7 the foregoing matter on July 10, 2018, and thereat reported in  
8 Stenotype all of the testimony and proceedings had, and caused  
9 said notes to be transcribed into typewriting; and the  
10 foregoing pages number from 3 through 19 constitute a full,  
11 true and correct report of the same.

12 That I am not of kin to any of the parties and have  
13 no interest in the outcome of the matter;

14 And hereby set my hand and seal, this \_\_\_\_ day of  
15 \_\_\_\_\_ 2018.

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\_\_\_\_\_  
KELLY BROWN HICKEN, CSR, RPR, RMR

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